

IN THE US. DISTRICT COURT
FOR THE CENTRAL DIVISION, STATE OF ILLINOIS.
201 S. Vine st ste 218 Urbana IL, 61801

DATED: January 14, 2011

CASE 10-2277

A case originating as Champaign Circuit
court/ Urbana IL; Case 10 MR 766

JAMES FRANK OSTERBUR

2191 COUNTY ROAD 2500 E.

ST. JOSEPH IL 61873

my electronic file is kept at www.justtalking3.info

VS.

THE UNITED STATES OF AMERICA

as represented by:

FEDERAL BUREAU OF INVESTIGATION ET AL..

935 Pennsylvania ave NW Washington DC 20535-0001

**PLAINTIFF RESPONSE, TO
motion to dismiss amended complaint.**

It is clearly within the foundations of this trial, to establish the means necessary to conclude: should this plaintiff die/ the case shall continue for the purpose of democracy, both state and nation. Therein the amended complaint exists as, the most useful of methods for that purpose.

Response to memorandum.

The defendant agrees, I have a right!

Once again the defendant asserts, even with a right/ I have no place in the courtroom of this district/ this state/ or this nation without a lawyer, for whom I must pay. Thereby deliberately intending to strip from me all guaranteed rights as provided by this state and national constitutions and establishing: **PAY THE EXTORTION, or go home!**

I disagree with his conclusion/ and expect the law as is my constitutional right; to be carried to its legitimate conclusion, as due process under the law,

supported and defended for each citizen by the constitution itself. “Without cost”; its guaranteed. Ordering me, to “assume the position”/ so that a lawyer can financially rape me, is NOT within your jurisdiction. Therefore either you do enforce my constitutional rights, by limiting yourselves to an honest discussion about the rights, guarantees, ownership responsibilities of both employee and citizen: according to the demands made within this lawsuit. OR you must provide a lawyer for the people and me; because this lawsuit clearly seeks to establish not only constitutional rights for a citizen, and duties required of each employee: but the protection demanded for this state of ILLINOIS, and its citizens of whom I am one.

Therefore the first and predominant demand of jurisdiction, because constitutional law is presented, and ownership rights established by the constitution called we the people of both this state and this nation: becomes, WHAT THE COURT, must do for me, to obey these laws and constitutional demands for due process, by guaranteed rights.

The employee is not immune from their decision under the guidelines of the constitution/ the constitution is immune, as the declaratory foundation of our agreement as a people. Because it does represent our agreements as a people/ the constitution and its foundation documents called the bill of rights and the declaration of independence: IS LITERALLY, THE GOVERNMENT of this people. Our decision to unite as a nation, under these terms. OUR CONTRACT, with ourselves. **Granting, WE the people; OWN THIS NATION!** Or more simply, we are the rulers here/ YOU, are the employee; and the constitution grants immunity only: to a judge during “good behavior”/ and no other cause. Suggestions otherwise, is an employee assuming too much/ or an act of rebellion, against this USA.

The assertion this is unintelligible is fraud, and punishable by appropriate actions of the court: before this people, who do expect or pursue their legal rights, as do I. The job of the court, is to present JUSTICE, to the people. How is that not within your jurisdiction, to apply the guarantees of our constitution to state governance. This state, refuses to do its job of protecting this people/ providing due process/ or describing “we the people of this state called IL” as the rightful and due owners of our land, and our society; within this USA.

Response to “I,..... valid cause of action”

The constitution itself provides all subject matter jurisdiction/ WE THE PEOPLE are guaranteed the protection of our employees in the cause and

consequence of their duties. WE THE PEOPLE are guaranteed the laws of this nation shall be instituted and obeyed by those whose job is sworn to protect. WE THE PEOPLE are guaranteed, this state shall be caused to obey the rules and the laws of this nation called this United States of America and present, maintain, and establish those laws as the same, in accordance with its own laws for this state. Your duty to protect our lives is absolute/ the courts duty to obey the constitution is absolute/ this state in obedience to its own constitution and the constitution of this USA is absolute. You have no defense against providing this protection, or establishing the laws of this land, both state and nation. As this defendant asserts: First that fact must be proven without doubt, before the court can truly act. THEREFORE THE FEDERAL BUREAU OF INVESTIGATION IS CALLED IN, as the provider of evidence and truth. To support and defend the people, by proclaiming what is or is not true, with regard to the issues presented for this trial. DID THE POLICE AND THE COURT FOR THIS STATE OF ILL, and this FEDERAL government; provide protection and due process according to constitutional guarantees and laws, OR NOT. That is the policing duty of the federal bureau of investigation, to insure the boundaries and laws of this nation are kept/ the courtroom free of disrepute and disgrace; BY PROVING RESPECT to each litigant according to the laws submitted. As would be redress of grievances both state and nation. Or more simply did the court, both state and federal fail to submit to the law of these constitutional guarantees to each citizen. How much more is it true, if not me; then not them either! Thereby every citizen of this state and nation DOES have a right to be informed, a right to see the truth of their own democracy in action. As a courtroom defined, and created by law. Who if not the FBI should be saddled with this responsibility? It is their job. They are called into court to testify to the truth of what these courtroom both did, and do. Therefrom because it is the police and the courts on trial. Because it must be, that evidence must be collected and brought into court. Because it is a fact that the court cannot “judge itself/ nor the police investigate itself”. The foundation is laid, and the reality exists: the FBI must intervene. Either creating trial at the US SUPREME COURT, or as redress of grievances by constitutional decree before the people of this state of IL. That is a point of law. They cannot judge themselves. We cannot investigate thoroughly for ourselves. But we can insist, that article 3 of the US CONSTITUTION shall assist, by all means necessary; in this dispute over redress and protection under the laws of this state and nation. “The judicial power shall extend to all cases in law and equity”. Prove it is not so.

Again this cause of action is: We the people, I the citizen are guaranteed

legal rights under the constitution of both state and national law. We are guaranteed protection, which means you shall investigate, when clear threats are identified that can result in our loss, of life, future, nature, or any other significant threat. We are guaranteed DUE PROCESS/ NOT failure in the court by frivolous actions in denial of rights or justice; as is Clearly establishing failure and disgrace in the courtroom of both state and nation. I will frame your response: The law says/ our democracy demands!

We are endlessly bombarded by assertions: because the terrorists have come, ALL THE PUBLIC MUST! Because we cannot be wrong, people's lives are on the line! Is that not true?

Show me the threat established before you, that is NOT clearly more disastrous than what any terrorist can do! Prove this is not true. Because that is the purpose of this trial. Or more clearly as you suggest: WE CANNOT be wrong/ lives are on the line. How is that reduced to a game in this courtroom? Is it not by fools. Prove me wrong, where truth resides/ not a courtroom of lies, as are your assertions "can't understand". Terrorism is not speculation/ it exists in the ability to do harm. Prove these threats can do no harm! Prove I have no right or legitimate expectation of protection in the form of investigation for my state, my life, or my nation from you. Or I will assert, this is treason/ because you search for ways and means to deny not only the law, but our rights as a state and nation to protect ourselves. Which means YOU become not only traitor, but terrorist as well. Is that too "vague and ambiguous" for you?

Response to "II, valid waiver of sovereign immunity"

The demand to protect the people of this state and this nation IS LITERAL TO EVERY SINGLE COURT IN THIS LAND. The demand to obey constitutional law IS LITERAL TO EVERY SINGLE STATE AND FEDERAL COURT IN THIS LAND. I demand both protection for my life, which is literally the protection of this state and this nation because of the "true threats that exist"! I demand constitutional law, both within the state and federal promises guaranteed to each citizen. I demand the authority of ownership as provided by democracy called WE THE PEOPLE. Which means literally: that my legal rights within a courtroom of this state and this nation CANNOT be stripped from me, by employees fighting to hide their failures. YOUR JOB is to provide to me, MY GUARANTEED RIGHTS! My job, IS NOT to surrender to fools, failures, rebellion and denial/ is NOT to let traitors control the courtroom or sell this nation or this state to further ruin. **It is my**

duty... prove me wrong. Prove your incessant criminal trespass onto the guarantees provided to me, by my state and nation is justified by truth! **PROVE:** Your intent to quash DUE PROCESS, and thereby control democracy as rulers, rather than employees; in obedience to the laws of this state and nation is not rebellion. Or stand aside, so the guarantees and constitutional law, for both state and nation shall become real!

You the employee **ARE NOT** “THE GOVERNMENT”! YOU, are an employee sworn to uphold the government of this state and nation; accepting personal penalties, if you fail. The government is, **OUR AGREEMENT**, as a people/ that is, the reality of **DEMOCRACY!** Prove it is not so.

Response to “Standards”.

The case record, as is supported by the defendant: proves, that redress of grievances according to the first amendment USA, and the state of IL guaranteed right of redress is destroyed, so far as the courtroom is concerned. An act of pure sabotage, consistent with treason.

The case record of the state of IL proves, that the court: “stole my money”/ never intending to participate in legitimate due process. The defendants were each given the opportunity to declare whatever they felt was lacking/ to establish all legal boundaries and rules prior to the establishment of this case: they refused their duty, as this was the police and the court system of this state of IL. Including the IL state supreme court, being given due notice and certified, with signature documentation of the problem, that this court and these defendants refuse their duty to participate in court. The IL supreme court refuses to acknowledge as well. The governor is notified, and told to take the necessary measures required to provide due process within the court system of this state called IL, and refused without comment. The standard of failure has been set/ not a single court in this state of IL. Not a single policing district in this state of IL. Not the governor, nor the supreme court governing all other circuit courts: made so much as a murmur, they simply took my money, and abandoned this case. That is felony theft/ because they seek to steal my constitutional rights: a reality worth more than mere money to us all.

Thereby the standard they set is: to be investigated for fraud, and open rebellion. To be examined for theft, and the intent to steal from this state its guaranteed rights. To be reviewed, for all past offenses in particular as it concerns this plaintiff, and his, or more specifically **OUR GUARANTEED RIGHTS!**

THE STANDARD of police protection, beyond this state of IL is federal

policing. That is the FBI.

The standard for police investigation and testimony in a courtroom is the FBI, for this nation. The standard for DUE PROCESS according to the fourteenth amendment is NOT MET. And the guilty parties who trade my guaranteed rights for their treason, are not immune.

The standard of this US SUPREME COURT, failed to provide due process or access to redress of grievances or protection from fraud, threats, and open rebellion. The courts under its supervision have proven to be corrupt, by their failure to administer the law called redress. The collusion as this is apparent in all courts throughout state and federal in IL is completed and apparent. The conspiracy to control and rule this people is absolutely clear/ thereby refusing to abide by their oath, and obey the constitution both state and federal.

YOU HAVE FAILED, this United States of America/ as our employees; granting rebellion instead, by those who choose to declare power over us, rather than equality through democracy with us. That is not vague. That is a legal point of law, that must be investigated for this nation, and this state of IL. You are not free to do as you please/ you are employees hired to do a specific job, with honor and duty to we the people of this state and nation. How do you plead? Either for this state and nation or against, our democracy/ because it is one side or the other. You cannot fight against everything democracy stands for, and still claim “innocense”.

The first, fourteenth, fourth, seventh, and thirteenth (because your lies, are making us slaves) amendments all declare: GUILTY! YOU, our employees have failed the preamble giving you direction/ the law, giving we the people substance/ the honor, provided by our opportunity in court, rather than civil war/ and every other aspect of strength and securities due the people called democracy. You have attempted to steal our nation, and this state with your failures, hiding in lies/ stealing as fast as you possibly can. This is a demand for accounting. This is a demand for protection. This is a demand for ownership as WE THE PEOPLE. This is a demand, to encounter and reveal: does the corruption and open rebellion extend into the federal bureau of investigation or does it not. Answer the question! There is no immunity for any employee not described by “good behavior”. Not a judge/ not a lawyer/ not a general/ not a police; not a public official or citizen. Good behavior demands: **WORKING FOR THIS DEMOCRACY WITH DUTY, HONOR, AND RESPECT.** You are found lacking on all counts.

Thereby redress is established: present your evidence, and carry it forward, so that all the people shall see, and judge you.

If you think that is “too vague”/ then be very specific: **INSTEAD OF LIARS**, who perjure themselves in a blatant effort to deny due process to me, this state called IL, and this nation. Protect us, as is your duty to investigate and defend “we the people”. **YOU ARE MERELY THE EMPLOYEE/** by no means, and no rights, and no merit; is our employee allowed to call him or herself, “this USA”. The limitations and conditions are: You are not a ruler/ you are not the owner/ you are not immune from bad behavior and its consequences, or the laws of this state or nation in any other way. RATHER YOU ARE SWORN TO DEFEND AND OBEY, being servants to the law, rather than traitors in open rebellion against us all. Prove me wrong.

I represent the guaranteed rights of constitutional law, as is respected and proven by both state and federal constitutions. That means simply, the laws guaranteed to every single citizen: thereby they do belong within this trial, because it is their lives just like mine that has been plundered and raped, by those intent upon murdering this democracy. Quit stealing our laws/ quit stealing our rights and lying about your treason. **OBEY THE LAW.** Are there not penalties for failure?

Response for “III.....subject matter”

It begins with a lie/ the courts do not “read complaints liberally”; rather they feign ignorance/ contend we are too stupid to understand/ act in complete defiance of the law/ create subterfuge and insolence in an effort to dissuade and defeat constitutional rights/ conspire to defeat by collusion applied to all parties/ conceive of due process without justice or fair play/ discard equality as a myth, an outright disrespect of **WE THE PEOPLE** as a democracy. And support treason, through open rebellion against the authorities of this government called our constitution, bill of rights, and declaration of independence. **NONE DIE FOR YOU!** You are not gods/ you are not rulers/ you are not “the military”: **WE ARE THE OWNERS HERE**, and we die in wars or life for ourselves, **NOT** because of a single leader. **We die, fight, or get mutilated; for our agreements that made this union possible/ THAT IS OUR GOVERNMENT.** NOT you, the employee.

You, are employed at our discretion! There is no evidence that calls the courts jurisdiction into question. There are the constitutional laws, which demands, **NO JUDGE** can run away or hide. This is your job, your duty, and our demand.

With regard to all other complaints filed against any other government agency, and its employees: of we the people. That is a separate legal issue/ unless

joined by me. I REFUSE/ they are separate.

With regard to article three of the constitution: I have standing within the amendments denied to me/ a state which refuses due process to me/ a court system that rebels against the constitutional guarantees provide to every citizen of which I am one.

The demand for a tax declaration, by the defendant merely adds to that standing/ but, is hereby satisfied with the conclusion of this response.

CONCLUSION

*The foundation of lies, that declares federal debt is a lie/ it cannot be supported as debt, due to the truth and realities of all debts owed by this nation. **That means it is inflation**, NOT SHARED, by we the people.*

Thereby these numbers are **inflation/ and being used to steal this nation from us**, one foreclosure at a time. Or more insidiously, we are attacked; these numbers being multiplied both by banks and the stock market: for only the rich!

WE ARE ATTACKED, in every conceivable financial way. OUR TAXES, grant our power. **OUR GUARANTEED RIGHTS AS OWNERS WITHIN THE LAW**, granting our refusing our authority to allow these employees to continue: demanding accountability from those whose actions clearly threaten our entire financial existence as a nation.

WE DEMAND ACCOUNTS BE OPENED/ AND ALL DEBTS BE REVIEWED IN OPEN AND COMPLETE HONESTY, without the slightest cover up. That does include all debt in this state, this nation, all personal debts/ debts of every kind as declared in the constitution for our protection. Article 1 section 9 rule 7. To protect ourselves from rulers, thieves, and liars: we demand the evidence to prove or disprove our employees are NOT in open rebellion/ an outright threat to democracy/ or in conspiracy and collusion, to deny us our own constitutional law.

The FBI is called to prove, their accounting is true. To prove due process and the constitutional law, called redress: is being upheld in this state of IL, and this nation: TO WE THE PEOPLE. It is your job. How do you plead: WITH DEMOCRACY and this people/ or against us? Answer the question/ or we will assert, “you too” have rebelled, and threaten to control us all. How is that not “just like the Nazi’s/ or any other”.